

REMARKS

Applicant has carefully considered the positions of the Examiner, and respectfully requests reconsideration based upon the manifest differences between the present
5 invention and the cited references.

I. THE INVENTION

Blister card packages are typically used for the
10 distribution of many products such as prescription drugs. However, these drugs can be harmful or lethal to children in small quantities. As a result, many blister packages utilize safety features which impede a child's access to the product contained in the blister card. However, these
15 safety features also impede access to adults and senior citizens who have impaired physical skills, impaired cognitive skills, or poor eyesight. As a result, it is desirable to provide a blister card package which simultaneously impedes a child's access to a product
20 contained in the blister while facilitating a senior citizen's access to its content (i.e., a child-resistant and senior-friendly blister card).

The present invention discloses a child-resistant and senior-friendly blister card package comprised of a

partially laminated front panel coupled to a partially laminated rear panel. The front panel contains at least one aperture which is designed to hold the product within the blister.

5 The rear panel contains at least two cuts. The cuts define a removable section of the rear panel and facilitate a clean tear of the removable section from the rear panel when pressure is applied from the front panel.

 In addition, at least one clean-cut runs along the
10 perimeter of the outer edges of any one of the panels. The clean cut penetrates the laminating film but does not fully penetrate the panel

 As a result of the orientation of these cuts, the present invention provides a an improved child-resistant,
15 senior-friendly blister card package

II. THE EXAMINER'S REJECTIONS

A. The Examiner's Objection

 The Examiner objected to the numbering of the claims
20 because the claims were not numbered consecutively due to a typographical error. The Examiner renumbered the claims, however, he required that the dependent claims be amended to reflect the renumbering of the claims.

B. 35 U.S.C. § 112

The Examiner rejected claims 1-49 under 35 U.S.C. §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject
5 matter of the present invention. More specifically, the Examiner rejected the language pertaining to "providing a path" in independent claims 1, 26, and 27. In addition, the Examiner rejected claim 15 because it was not clear what was meant by a "cold form blister."

C. 35 U.S.C. § 102

10 The Examiner rejected claims 1-49 under 35 U.S.C. § 102 as anticipated by Intini, U.S. Patent No. 4,988,004 (hereinafter "Intini"). According to the Examiner, Intini discloses an apparatus for packaging an object in a blister
15 comprising a front panel with at least one aperture, and a rear panel having a plurality of removable sections.

Further, the Examiner opined that the removable section disclosed in Intini contains two associated cuts. In addition, the Examiner contends that Intini discloses a
20 blister package with a plurality of colored target areas.

Further, the Examiner stated that Intini discloses partially coated, cardboard panels that are adhesively attached.

D. 35 U.S.C. § 103

The Examiner rejected claim 50 under 35 U.S.C. § 103 as being unpatentable over Intini in view of Shibata U.S. Patent Application No. 2002/01007009 (hereinafter "Shibata"). The Examiner admitted that Intini fails to disclose a clean cut applied to a blister card which penetrates lamination but does not fully penetrate the paperboard. However, the Examiner contends that Shibata discloses a blister packing device with cuts that cut through the lamination but not the base. According to the Examiner, it would have been obvious to one of ordinary skill in the art to modify the device of Intini with the device of Shibata.

III. THE EXAMINER'S REJECTIONS SHOULD BE WITHDRAWN

Applicant appreciates the Examiner's finding of allowable subject matter, and herein responds to the Examiner's rejections and highlights the differences between claims 1-50 and the cited references such that it should become apparent to the Examiner that these rejections should be withdrawn.

A. The Examiner's Objection

In accordance with the Examiner's suggestion,
Applicant has amended misnumbered claims 37-60 to 27-50.

5 In addition, the dependencies have been amended in
accordance with the renumbering. Accordingly, the
Examiner's objection should be withdrawn.

B. 35 U.S.C. § 112

10

The Examiner rejected claims 1-49 because the language
pertaining to "providing a path" in the independent claims
was unclear. In response, Applicant has amended
independent claims 1, 26, and 27. More specifically,
15 Applicant has deleted the language pertaining to "providing
a path" and replaced it with "to facilitate clean removal a
clean tear of said removable section only when said
removable section is pressed from said front panel."

Support for this amendment can be found from page 23, line
20 23 to page 24, line 4. Applicant has amended the claim
merely for clarification purposes. The amendment is in no
way related to patentability. Since Applicant has deleted
the language which was the subject of the 35 U.S.C. §112

rejection, the Applicant contends that the Examiner's rejection should be withdrawn.

C. 35 U.S.C. § 102

5

The Examiner rejected claims 1-49 under 35 U.S.C. § 102 as being anticipated by Intini. Applicant has amended independent claims 1, 26, and 27 in accordance with the Examiner's finding of allowable subject matter.

10 Specifically, the language pertaining to "providing a path" has been replaced with "to facilitate clean removal a clean tear of said removable section only when said removable section is pressed from said front panel."

In addition, it is black letter law that for a
15 reference to anticipate a claim it must contain each and every element of that claim. Intini, however, falls far short of this standard.

The present invention requires the user to perform a three-step, push-peel-push process that is cognitively
20 challenging to children and mentally impaired adults, yet simple enough for competent individuals to understand, especially after reading the instructions. The steps can be summarized as follows: i) push a tool or fingernail through a removable area to create a pull tab; ii) peel the

removable section away using the pull tab; and iii) push the product through the area exposed by the removable area.

The present invention utilizes a series of cuts along the front and rear panel to accomplish this. One cut
5 defines the removable section. A second cut facilitates a clean tear of the removable section only when the removable section is pressed from said front panel. A third "clean-cut" runs along the perimeter of the outer edge of one of the panels which partially penetrates the laminated panel.

10 In stark contrast, Intini discloses a blister card package that requires the user to perform a "bend-peel-push" method to remove the content. First, the user bends the entire blister card package to expose a pull-tab. Then, the pull-tab may be used to peel away the outer layer of the
15 card such that only the frangible layer remains. The content of the blister may then be pushed through the frangible layer.

Intini requires bending the packaging, which may be difficult for frail adults, especially those suffering from
20 an ailment such as arthritis. Furthermore, because Intini requires both foil and paper frangible layers, it is difficult to push the product through the two frangible layers. This added resistance makes the card unsuitable for soft capsules, gel caps, and soft tablets/caplets.

As such, Intini does not require a "clean cut" to function properly. Indeed, the Examiner admits that "Intini fails to disclose that a clean cut is applied to the device which penetrates the lamination but does not fully penetrate the paperboard." Office Action dated August 18, 2005, page 4. As such, Intini fails to disclose each and every element of independent claims 1, 26, and 27. Therefore, Applicant respectfully submits that the rejection is improper and should be withdrawn.

10

D. 35 U.S.C. § 103

The Examiner rejected claim 50 under 35 U.S.C. § 103. Applicant has canceled claim 50, therefore, the rejection is moot. Accordingly, the Examiner's rejection should be withdrawn.

20

CONCLUSION

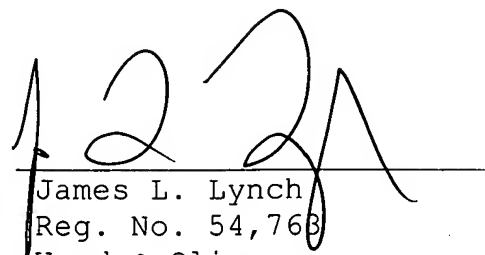
Applicant submits that all pending claims represent a
patentable contribution to the art and are in condition for
5 allowance. No new matter has been added. Early and
favorable action is accordingly solicited.

10

Respectfully submitted,

15

Date: December 16, 2005


James L. Lynch
Reg. No. 54,763
Ward & Olivo
382 Springfield Ave.
Summit, NJ 07901
908-277-3333

20